

3975. Misbranding of "Rice's Mother's Joy Salve." U. S. v. 2 Cases * * * of * * *
"Rice's Mother's Joy Salve." Default decree of condemnation, forfeiture, and
destruction. (F. & D. No. 6002. I. S. No. 127-k. S. No. E-133.)

On October 13, 1914, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 9 dozen packages of a product known as "Rice's Mother's Joy Salve," remaining unsold in the original unbroken packages at Spartanburg, S. C., alleging that the product had been shipped on August 28, 1914, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Mother's Joy Rice's Salve, Trade Mark (Design Goose), guaranteed by Goose Grease Co., under Pure Food and Drugs Act June 30, 1906, Greensboro, N. C., for croup, pneumonia, congestion of lungs, catarrh, piles, hay fever, splotches on face, chapped hands, lips, etc. Will not injure the most delicate skin. Directions, For croup, saturate flannel large enough to cover upper part of chest and fasten to garments. For pneumonia rub half box on chest and throat, then take flannel and spread over same. Better results can be obtained by applying hot iron to flannel, 25 cents. For expectant mothers rub the lower part of the abdomen night and morning, it assists nature in gradually expanding all tissues, muscles and tendons and relieves at once that bearing down feeling. It keeps the breast in good condition if you will rub a little on once and a while during pregnancy". On the jar and cartons appeared the following: "For croup, pneumonia, congestion of lungs, catarrh, piles, hay fever, splotches on face, for croup, for pneumonia". In the circulars the following words appeared: "On Thursday the 25th of February, a lady in Greensboro learned that there was a baby lying at the point of death with pneumonia, both lungs, so the doctors said, were congested. The first doctor who attended this baby advised the mother to call another. The other doctor was called in and he examined the baby and told the mother that it was not necessary for him to do anything, as the baby was going to die, and the trained nurse told this lady that she never saw a case of this kind in her life where the baby was so weak that it could not be taken up that it did not die. This lady asked the baby's mother and the trained nurse to let her try 'Mother's Joy' (this is a salve made from pure goose grease, mutton suet, and other healing ingredients), saying she knew of several cases where Mother's Joy had cured pneumonia. They both finally agreed to let her try the salve, and ten minutes from the time the salve was applied on the chest the baby commenced resting better and it went to sleep that night and slept nearly all night. It is now well and healthy, and if it hadn't been for Mother's Joy it certainly would have died." "Mother's Joy for croup and pneumonia never fails." "We will give to any responsible person \$100.00 dollars who will use Mother's Joy as directed by us for every case of pneumonia in their family, if it fails to do the work". "Mother's Joy for pneumonia, congestion of the lungs and croup".

It was alleged in the libel that the article was misbranded in that it was a salve consisting of some fatty material, possibly goose grease and considerable unsaponifiable oily matter, such as petroleum jelly, containing camphor and oil of turpentine as therapeutic agents, and flavored with methyl salicylate, and contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on and in the said packages, cartons, jars, and circulars as aforesaid; and, further, in that the said words and figures so declared, marked, printed, branded, and labeled in and upon the said packages, cartons, jars, and circulars, as aforesaid, were misleading, false, and fraudulent; and said article was misbranded regarding the curative or therapeutic effects thereof, or any of the ingredients or substances contained therein within the meaning of the act of Congress, approved on the 30th day of June, A. D.

1906, as amended by the act of Congress, approved on the 23d day of August, A. D. 1912.

On April 27, 1915, no answer or appearance having been made, and testimony having been taken before a jury and the court, a verdict was returned by the jury finding the article misbranded. Thereupon, on motion of the United States attorney, it was ordered by the court that the article be condemned and that the same be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C , *July 17, 1915.*

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